

AMENDED IN SENATE APRIL 11, 2005

SENATE BILL

No. 1008

Introduced by Senator Florez

February 22, 2005

An act to amend Sections 46190 and 52522 of, and to add Sections 52522.1 and 52616.25 to, the Education Code, relating to adult education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1008, as amended, Florez. ~~The Adult Education Reform Act of 2005~~ Adult education.

~~Existing~~

(1) Existing law authorizes the governing board of a high school district or unified school district to establish and maintain one or more adult schools by resolution of the governing board.

Existing law provides that a day of attendance in classes for adults is 180 minutes of attendance.

This bill would reduce the day of attendance to 165 minutes of attendance.

(2) Existing law specifies the classes and courses that are authorized to be offered by school districts and county superintendents of schools for apportionment purposes from the adult education fund.

This bill would authorize a school district to offer those adult education classes and courses through the use of distance learning technology that is to include the use of video and computer-based instruction. The bill would impose certain requirements relating to the use of distance learning.

(3) Existing law provides for the method of funding school districts that operate adult education programs and claim adult education

state apportionments, based on the district's adult education average daily attendance.

This bill would authorize school districts offering adult education to claim those hours spent with students in providing counseling, guidance, testing, and assessment services towards their average daily attendance apportionments. The bill would limit those claims to a maximum of 5% of the district's total adult education entitlement.

(4) This bill would make conforming changes, delete obsolete language, and make other technical changes.

~~This bill would declare that it is a priority of the Legislature to enact comprehensive adult education legislation in the 2005-06 Regular Session in order to address, in a manner that is revenue neutral, fiscal and policy difficulties that exist in adult education, and would state the intent of the Legislature to enact The Adult Education Reform Act of 2005.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. (a) The Legislature finds and declares that it is~~
- 2 ~~SECTION 1. Section 46190 of the Education Code is~~
- 3 ~~amended to read:~~
- 4 ~~46190. In classes for adults, a day of attendance is 180 165~~
- 5 ~~minutes of attendance but no student shall be credited with more~~
- 6 ~~than 15 clock hours of attendance per school week,~~
- 7 ~~proportionately reduced for those school weeks having weekday~~
- 8 ~~holidays on which classes are not held unless he or she is~~
- 9 ~~enrolled in a class in elementary subjects, a class for which high~~
- 10 ~~school credit is given, a class in English for foreigners, a class in~~
- 11 ~~citizenship, or a class in a trade or industrial subject as trade or~~
- 12 ~~industrial subject is defined by the State Board of Education for~~
- 13 ~~grades 7 to 12, inclusive.~~
- 14 ~~SEC. 2. Section 52522 of the Education Code is amended to~~
- 15 ~~read:~~
- 16 ~~52522. (a) The Superintendent of Public Instruction may~~
- 17 ~~approve school district plans for adult education innovation and~~
- 18 ~~alternative instructional delivery. School districts making an~~
- 19 ~~application under this section shall demonstrate how the manner~~

1 *in which* the needs of adults will be addressed by programs,
2 including, but not limited to:

3 (1) Worksite adult basic education skills instruction.

4 ~~(2) Distance learning using video and other communication~~
5 ~~technologies.~~

6 ~~(3) Home-based and community-based independent study~~
7 ~~approaches using instructional technologies.~~

8 ~~(4)~~

9 (3) Tests of alternative reimbursement approaches other than
10 average daily attendance to determine whether they are
11 reasonable and feasible, to the extent that there is no decrease in
12 the number of students served nor an increase in cost to the state.

13 (b) School districts approved to implement demonstration
14 programs under this section may expend up to 5 percent of their
15 adult *education* block entitlement for implementation of
16 approved programs.

17 (c) School districts implementing programs under this
18 ~~provision section~~ shall report expenditures to the ~~superintendent~~
19 *Superintendent* in an annual fiscal report, as specified in
20 regulations adopted by the ~~superintendent~~ *Superintendent*. Funds
21 reported under this section and approved by the ~~superintendent~~
22 *Superintendent* shall continue to be allocated as part of the
23 district's adult *education* block entitlement in subsequent fiscal
24 years.

25 (d) ~~The superintendent~~ *Superintendent* shall adopt rules and
26 regulations for the administration of this section to include:

27 (1) Allowable expenditures.

28 (2) The range of expenditures per pupil enrolled in the
29 program.

30 (3) Reporting requirements.

31 (4) Program evaluation.

32 ~~The superintendent shall report not later than March 30, 1995,~~
33 ~~to the Legislature on the impact of these demonstrations on the~~
34 ~~adult education instructional delivery system.~~

35 *SEC. 3. Section 52522.1 is added to the Education Code, to*
36 *read:*

37 *52522.1. (a) Notwithstanding Section 41976, a school*
38 *district may offer adult education courses and classes in the*
39 *adult education programs described in Section 41976 through*
40 *the use of distance learning technology that shall include the use*

1 of video and computer-based instruction including the Internet
2 and compact video discs.

3 (b) Distance learning shall be characterized based on physical
4 separation between the student and an appropriately
5 credentialed supervising teacher.

6 (c) Each certificated teacher shall maintain ongoing
7 communications with each student in the distance learning class
8 and shall evaluate and document the mastery of each student at
9 the conclusion of each educational unit.

10 (d) Each distance learning class offering shall include student
11 examinations, required test integrity, and maintain clear records
12 of student work.

13 (e) Distance learning class offerings shall be limited to adult
14 students and shall not include concurrently enrolled high school
15 pupils.

16 SEC. 4. Section 52616.25 is added to the Education Code, to
17 read:

18 52616.25. A school district offering adult education shall be
19 authorized to claim those hours spent with students in providing
20 counseling, guidance, testing, and assessment services towards
21 their average daily attendance apportionments. Claiming those
22 hours shall be discretionary to the school district, and shall be
23 limited to a maximum of 5 percent of their total adult education
24 entitlement. ~~a priority of the Legislature to enact comprehensive~~
25 ~~adult education legislation in the 2005-06 Regular Session in~~
26 ~~order to address, in a manner that is revenue neutral, fiscal and~~
27 ~~policy difficulties that exist in adult education.~~

28 (b) ~~It is the intent of the Legislature to enact The Adult~~
29 ~~Education Reform Act of 2005, which will do all of the~~
30 ~~following:~~

31 (1) ~~Decrease from 525 to 475 the number of hours necessary~~
32 ~~to generate a unit of adult education revenue limit, in order to~~
33 ~~assist adult education programs in reconciling the fiscal~~
34 ~~discrepancies created by expenses that exceed income.~~

35 (2) ~~Redistribute unused adult education funds in the same~~
36 ~~manner that regional occupational center and regional~~
37 ~~occupational program funds are redistributed, in order to ensure~~
38 ~~the complete expenditure of adult education funds for the same~~
39 ~~purposes for which the funds were intended by the budget~~
40 ~~allocation of those funds.~~

1 ~~(3) Authorize adult education programs to claim average daily~~
2 ~~attendance hours for the time spent providing counseling and~~
3 ~~guidance to students.~~

4 ~~(4) Require the expenditure of effort to target specific funding~~
5 ~~for augmenting adult education counseling and guidance efforts.~~

6 ~~(5) Repeal the sunset date of the Community Based English~~
7 ~~Tutoring (CBET) Program, which is a program from which adult~~
8 ~~education gets a substantial amount of funding.~~

9 ~~(6) Authorize adult education programs to claim funds~~
10 ~~allocated to k-12 education for high school students needing~~
11 ~~intervention, remediation, course make-up, and preparation for~~
12 ~~the high school exit examination (CAHSEE).~~

13 ~~(7) Authorize adult education programs, beginning July 1,~~
14 ~~2006, to access k-12 education revenue limit funds, such as~~
15 ~~supplemental instruction funding now available only to the~~
16 ~~regular high school program, to serve young adults who have~~
17 ~~completed 12 years of education, but have not passed the high~~
18 ~~school exit examination and need additional preparation.~~

19 ~~(8) Eliminate the present cap of 15 percent apportionment~~
20 ~~restriction that applies to distance learning in adult education;~~
21 ~~require increased accountability for distance learning programs;~~
22 ~~and recognize distance learning as a proven educational~~
23 ~~modality.~~

24 ~~(9) Include adult education facility needs in future local and~~
25 ~~statewide bond measures addressing facility needs in other~~
26 ~~sectors of public education, such as k-12 education, community~~
27 ~~colleges, the California State University system, and the~~
28 ~~University of California system.~~

29 ~~(10) Provide gap funding for high-cost employment training~~
30 ~~programs, such as career preparation programs in health careers~~
31 ~~and in other technical fields that cost more to offer students than~~
32 ~~the state reimburses for adult education and regional~~
33 ~~occupational centers and programs, in order to address worker~~
34 ~~shortages in those career fields and to provide opportunities for~~
35 ~~students. The gap funding would enable these programs to be~~
36 ~~economically self-sufficient by providing the difference between~~
37 ~~the average daily attendance reimbursement and the cost of the~~
38 ~~program offering.~~